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| APPLICATION NO.                                                                                                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/849,038                                                                                                        | 05/04/2001  | Eric C. Haseltine    | 530057-189          | 8458             |
| 46560                                                                                                             | 7590        | 06/28/2005           | EXAMINER            |                  |
| THE WALT DISNEY COMPANY<br>C/O GREENBERG TRAURIG LLP<br>2450 COLORADO AVENUE SUITE 400E<br>SANTA MONICA, CA 90404 |             |                      | WU, XIAO MIN        |                  |
|                                                                                                                   |             |                      | ART UNIT            | PAPER NUMBER     |
|                                                                                                                   |             |                      | 2674                |                  |

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/849,038             | HASELTINE ET AL.    |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | XIAO M. WU             | 2674                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 09 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-36 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                         |                                                                             |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.                                               |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|                                                                                                                         | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-3, 5-8, 10-13, 18-21, 25-30, 32, 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al (US Patent No. 5,909,291) in view of Teng et al. (US Patent No. 6,165,546).

As to claims 1, 12, 18, 25, 28, 30, 32, 35, Myers discloses a visual display system having an improved color gamut, comprising: a display device; a color signal translator; input color data; the color signal translator (equivalent to a lookup table) translating the input color data according to properties of a medium to emulated by the display device; the display device receiving and displaying the translated color data such that colors that are out of the gamut of the destination device are adjusted according to precomputed parameters in preserve the lightness,

chromaticity, or other selected characteristics of the sample color as suits the need of particular application (see abstract). Thus, Myer teaches “the color signal translator compensates the input color data with reference” as claimed. It is noted that Myers does not disclose an optical filter for filtering an output of the display device and the optical filter having a stop region located between wavelengths corresponding to two additive primary colors, wherein the stop region of the filter includes the region of substantially overlap between the spectra of the two additive primary colors. Teng is cited to teach using an optical filter for filtering an output of the display device and the optical filter having a stop region located between wavelengths corresponding to two additive primary colors, wherein the stop region of the filter includes the region of substantially overlap between the spectra of the two additive primary colors. (see Figs. 2 and 3 and col. 3, lines 4-32). It would have been obvious to one of ordinary skill in the art to have modified Myers with the features of the optical filters for filtering the display as taught by Teng because Teng provides an article to enhance the contrast of images from a color display monitor without significantly sacrificing brightness of the image (col. 2, lines 41-44).

As to claims 2, 8, 13, Myers discloses the properties include a color gamut, gamma, and dynamic range of the medium to be emulated (Figs. 2, 14).

As to claim 3, Myers discloses that the filter has at least a first peak gamut centered at approximately either one of red, green, or blue wavelengths (see Fig. 2)>

As to claims 5, 10, Teng discloses that the filter is a dual bandstop filter (see Fig. 2).

As to claims 6, 11, 19, Teng discloses the bandstops provide a first notch centered about 450nm and a second notch centered about 530nm.

As to claims 7, 27, 29, 36, note the discussion of claim 1 above. Teng further discloses that the filter relatively attenuates non-primary colors (e.g. absorb wavelength other than the primary color wavelength, see col. 3, lines 4-9).

As to claim 20, Myers and Teng disclose that the color signal comprises at least one component primary color from the group of red, green and blue.

As to claim 21, Myers and Teng disclose that the color display device comprises a cathode ray tube display device.

As to claim 26, note the discussion of claim 1 above, Myers further disclose emulating the appearance of color film (col. 1, line 18).

4. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al (US Patent No. 5,909,291) in view of Teng et al. (US Patent No. 6,165,546) as applied to claim 1 above, and further in view of Rahmlow (US Patent No. 5,523,882).

As to claims 4, 9, it is noted that Teng does not disclose that the optical filter is a rugate filter. However, rugate filter is well known in the art such as taught by Rahmlow. It would have been obvious to one of ordinary skill in the art to have modified the optical filter of Teng with the features of the rugate filter as taught by Rahmlow because the rugate filter of Rahmlow has an index of refraction versus optical thickness profile that effectively suppresses harmonics of the principle wavelength for which the filter is designed (col. 2, lines 32-35).

5. Claims 14, 16-17, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al (US Patent No. 5,909,291) in view of Teng et al. (US Patent No. 6,165,546) and De Leeuw (US patent No. 5,057,912).

As to claims 14, 31, Myers discloses a visual system comprising: a means (15) for altering a digital color signal according to a color gamut to be produced and producing an altering digital color signal. It is noted that Myers does not disclose a single aperture projector and a filter for filtering a projection of light and the filter altering the spectral bandwidths of at least one of the component primaries of the projection. De Leeuw is cited to teach a single aperture projector including a filter (see Figs. 1 and 3). Teng is further cited to teach a filter placed in front of the screen for altering the spectral bandwidths of primary colors whereby the color gamut is produced. It would have been obvious to one of ordinary skill in the art to have modified Myers with the features of the projector and filter as taught by Teng and De Leeuw so that the digital color signal can be reproduced in a projection system and improve the gamut of the color display.

As to claim 16, Teng discloses that the filter is a dual bandstop filter (see Fig. 2).

As to claim 17, Teng discloses the bandstops provide a first notch centered about 450nm and a second notch centered about 530nm.

6. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al (US Patent No. 5,909,291) in view of Teng et al. (US Patent No. 6,165,546) and De Leeuw (US patent No. 5,057,912) as applied to claim 14 above, and further in view of Rahmlow (US Patent No. 5,523,882).

As to claim 15, it is noted that Myers as modified by Teng does not disclose that the optical filter is a rugate filter. However, rugate filter is well known in the art such as taught by Rahmlow. It would have been obvious to one of ordinary skill in the art to have modified the optical filter of Myers as modified with the features of the rugate filter as taught by Rahmlow

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because the rugate filter of Rahmlow has an index of refraction versus optical thickness profile that effectively suppresses harmonics of the principle wavelength for which the filter is designed (col. 2, lines 32-35).

7. Claims 22-24, 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng et al. (US Patent No. 6,165,546) in view of Rahmlow (US Patent No. 5,523,882).

As to claims 22, 24, 33-34, Teng discloses a visual display system comprising: an electronic display device having a display; and a filter gamut of the display relative to the display and having bandstops which increase color gamut of the display wherein the bandstops shift the primary colors of the display closer to the spectrum locus. For example, as shown in Fig. 3, Teng shown the color gamut has been increased with a filter placed in front of the CRT, and as shown in Fig. 2, the filter has bandstops which shift the primary colors of the display closer to the spectrum locus.

It is noted that Teng does not disclose that the optical filter is a rugate filter. However, rugate filter is well known in the art such as taught by Rahmlow. It would have been obvious to one of ordinary skill in the art to have modified the optical filter of Teng with the features of the rugate filter as taught by Rahmlow because the rugate filter of Rahmlow has an index of refraction versus optical thickness profile that effectively suppresses harmonics of the principle wavelength for which the filter is designed (col. 2, lines 32-35).

As to claim 23, Teng discloses the bandstops provide a first notch centered about 450nm and a second notch centered about 530nm.

***Response to Arguments***

8. Applicant's arguments filed 5/9/2005 have been fully considered but they are not persuasive.

Applicant argues that Myer does not teach the limitation of emulating the color properties of a medium and fails to teach a lookup table as taught in claims. This argument is not persuasive. Myer discloses a color translator for compensating the color input from one source to another display device and the color translator functions as a lookup table such that colors that are out of the gamut of the destination device are adjusted according to precomputed parameters in preserve the lightness, chromaticity, or other selected characteristics of the sample color as suits the need of particular application. Applicant further argues that both the Myers and Teng reference lack the suggestion or motivation to combine references. This argument is not persuasive because both Meyer and Teng are directed to gamut correction. It would have been obvious to add the optical filter of Teng into the display of Myer to enhance the contrast of images from a color display monitor without significantly sacrificing brightness of the image (col. 2, lines 41-44 of Teng).

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to XIAO M. WU whose telephone number is 571 272-7761. The examiner can normally be reached on 6:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, PATRICK EDOUARD, can be reached on 571 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

X.W.  
June 25, 2005



**XIAO M. WU**  
**Primary Examiner**  
**Art Unit 2674**